

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------|---|-------------------------------------|
| MALIBU MEDIA, LLC, | : | CIVIL ACTION NO. 1:18-CV-754 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| JOHN DOE, | : | |
| | : | |
| Defendant | : | |

ORDER

AND NOW, this 17th day of January, 2019, upon consideration of plaintiff's motion (Doc. 31) to dismiss defendant's counterclaim pursuant to Federal Rule of Civil Procedure 12(b)(6) filed December 26, 2018, and further upon consideration of defendant's amended counterclaim (Doc. 34) filed pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) on today's date, and the court noting that an amended pleading supersedes the original "in providing the blueprint for the future course of the lawsuit," Snyder v. Pascack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002); see also 6 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2015), and the court thus finding that the amended counterclaim renders the original counterclaim a nullity, it is hereby ORDERED that:

1. Plaintiff's motion (Doc. 31) to dismiss defendant's counterclaim (Doc. 26) is DENIED as moot and without prejudice.
2. Plaintiff shall respond to the amended counterclaim (Doc. 34) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania